

PEARSON, MJ.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	CASE NO. 1:04CR453-3
Plaintiff,)	
)	JUDGE PETER C. ECONOMUS
v.)	
)	MAGISTRATE JUDGE
LENNON WILLMON,)	BENITA Y. PEARSON
)	
Defendant.)	
)	<u>REPORT AND RECOMMENDATION</u>

This matter was referred to the undersigned Magistrate Judge to conduct appropriate proceedings (except for sentencing and including a revocation hearing) regarding Defendant's alleged violations of the terms of his supervised release and to submit a Report and Recommendation, in accordance with Criminal Rule 32.1. [ECF No. 143](#).

The matter was initially scheduled for August 27, 2009. Defendant did not appear at the scheduled violation hearing and, consequently, the undersigned issued a warrant for his arrest. After Defendant's arrest, he appeared before Magistrate Judge Gallas, on October 28, 2009, for an initial appearance on the alleged supervised release violations and was ordered detained to answer to the allegations against him. On November 6, 2009, Defendant Lennon Willmon, Assistant Federal Defender Jacqueline Johnson, and Assistant U.S. Attorney Edward Feran appeared before the undersigned for a revocation hearing.¹

¹ Upon issuing the warrant for his arrest due to Defendant's failure to appear on August 27, 2009, the undersigned informed counsel that upon arrest, the undersigned would conduct both the preliminary and revocation hearings during one proceeding. See Docket Entry [non-

(1:04cr453-3)

The Violation Report prepared by the U.S. Probation Officer dated August 7, 2009 alleged that Defendant had committed the following Supervised Release Violations²:

- (1) Unauthorized use of illegal substances;
- (2) Failure to attend drug aftercare;
- (3) New law violation;
- (4) Failure to submit written monthly supervision reports.

See [ECF No. 143 at 1](#).

At the hearing, Defendant, through counsel, admitted the violations and presented mitigating evidence. Defendant called Wendy Brown as a witness and proffered Exhibits A1-A9, B-K, M-P, S-V, Y, and Z with no objection from the Government. See [ECF No. 153](#) (Exhibit and Witness List).

CONCLUSION AND RECOMMENDATION

Based upon the Violation Report and Defendant's admissions, the undersigned finds that Defendant has knowingly and voluntarily committed each of the four (4) alleged supervised release violations contained in the August 7, 2009 Violation Report.

Consequently, the undersigned recommends that the Court find that Defendant violated the terms and conditions of his supervised release. Based upon the mitigating evidence presented, the undersigned also recommends that Defendant Lennon Willmon's supervised release be continued as modified by the following combination of conditions:

document] dated August 27, 2009.

² The Probation Officer submitted an amended report showing the issuance of the arrest warrant and describing Defendant's arrest.

(1:04cr453-3)

(1) Defendant must participate in the Location Monitoring Program as approved by the U.S. Probation Office with all costs of such program waived;

(2) Defendant must participate in the curfew component of the location monitoring program and abide by a 5:00 p.m. curfew;

(3) Defendant must have a daily schedule that includes mandatory outpatient drug treatment and employment or counseling; and

(4) Defendant must participate in a reentry program such as that identified in Exhibit Z or an alternative similar program deemed appropriate by the U.S. Probation Office.

Further, the undersigned recommends that Defendant's continuation on supervised released with the above-described modifications commence as soon as the U.S. Probation Office has in place the combination of conditions.

IT IS SO ORDERED.

November 10, 2009
Date

s/ Benita Y. Pearson
Benita Y. Pearson
United States Magistrate Judge